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MEETING ANNOUNCEMENT AND AGENDA

Announcement Date: September 26th, 2008

FULL BOARD:

EXECUTIVE SESSION
October 7, 2008
Time: 4:00 p.m.

Location: **Resources Auditorium**
1416 Ninth Street
Sacramento, California

REGULAR SESSION
October 8, 2008
Time: 8:00 a.m.

Location: **Resources Auditorium**
1416 Ninth Street
Sacramento, California

COMMITTEES:

FOREST PRACTICE COMMITTEE
October 6, 2008
Time: 10:00 a.m. – 3:00 p.m.

Location: **Resources Auditorium**
1416 Ninth Street
Sacramento, California

FOREST PRACTICE COMMITTEE
October 7, 2008
Time: 8:00 a.m. – Noon

Location: **Resources Auditorium**
1416 Ninth Street
Sacramento, California

MANAGEMENT COMMITTEE
October 7, 2008
Time: 8:00 a.m. – Noon

Location: **Resources Bldg.**
15th floor, Room 1506-12
Sacramento, California

POLICY COMMITTEE
October 7, 2008
Time: 1:00 p.m. – 4:00 p.m.

Location: **Resources Bldg.**
15th floor, Room 1506-12
Sacramento, California

RESOURCE PROTECTION COMMITTEE
October 7, 2008
Time: 1:00 p.m. – 4:00 p.m.

Location: **Resources Auditorium**
1416 Ninth Street
Sacramento, California

Those requiring further information regarding this meeting notice may contact George D. Gentry, Executive Officer, State Board of Forestry and Fire Protection, P.O. Box 944246, Sacramento, CA, 94244-2460, (916) 653-8007. This meeting notice is also available in electronic format at: http://www.fire.ca.gov/bof/board/board_current_docs.html

The Board's Mission:

To lead California in developing policies and programs that serve the public interest in environmentally, economically, and socially sustainable management of forest and rangelands and a fire protection system that protects and serves the people of the state.

The Board may take any non-hearing agenda item out of order as time permits and may discuss agenda items scheduled for committees, including legislation. **The Board may act on recommendations by its committees on items listed in their respective agendas, including recommendations for notice of rulemaking.** If you wish to speak on a specific agenda item, please fill out a card provided for this purpose at the sign-in table and hand it to a member of staff prior to the meeting. Those wishing to speak on particular agenda items may do so when they are heard by the Board. The Board reserves the right to solicit additional public comment if the need arises for a particular agenda item.

ADA Notice- Pursuant to the Americans with Disabilities Act, individuals who, because of a disability, need special assistance to attend or participate in a State Board of Forestry and Fire Protection Meeting, may request assistance at the Board Office, 1416 Ninth Street, Room 1506-14, Sacramento, California or by calling (916) 653-8007. Requests should be made one week in advance whenever possible.

BOARD AGENDA

EXECUTIVE SESSION

October 7, 2008

Time: 4:00 p.m.

Location: **Resources Auditorium**
1416 Ninth Street
Sacramento, California

1. Call to Order
2. Adjourn to Executive Session

Executive Session: (Closed to the Public) Discussion of Matters Related to Foresters Licensing such as Certifications; Voluntary Relinquishments; and/or Revocations of RPF Licenses/CRM Certifications Under Section 11126 (c)(1), (c)(2), (c)(3) of the Government Code; Employee Evaluation Under 11126 (a)(1); also Discussion of Pending and Potential Litigation Under Section 11126 (e) of the Government Code. (The Executive Session may be reconvened if determined necessary.) **Environmental Protection Information Center and Sierra Club v. California Board of Forestry and Fire Protection, California Department of Forestry and Fire Protection, and Does 1-30**, San Francisco County Superior Court; **Board of Forestry and Fire Protection v. Edgar R. Orre, RPF No. 2292**, Disciplinary Case 308, OAH Case No. 2008030955.

REGULAR SESSION

October 8, 2008

Time: 8:00 a.m.

Location: **Resources Auditorium**
1416 Ninth Street
Sacramento, California

3. Reconvene Regular Session
4. Announcement of Actions taken in Executive Session
5. Approval of Minutes from September, 2008.
6. Report of the Chairman.
7. Report of the Director/Department.
8. Report of Board's Advisory Committees
 - California Oak Mortality Task Force (COMTF)- Mark Stanley
 - Range Management Advisory Committee- Jeff Stephens
 - Monitoring Study Group – Pete Cafferata

- Interagency Mitigation Monitoring Project- Pilot Project Final Report: This project's goal was to develop and test repeatable protocols to evaluate effectiveness of practices at and near watercourse crossings.
- Professional Foresters Examining Committee- Eric Huff

Note: The Executive Officer for Professional Foresters Registration will report on ongoing PFEC matters. **Possible Action Items:** Issuance of RPF Licenses/CRM Certifications, Withdrawals, Reinstatements, Voluntary Relinquishments, Suspensions, Revocations, or other Actions.

9. **Presentation by Sound Watershed Consulting on an independent scientific literature review of technical literature.** A presentation of the completed literature review on forest management effects on five different Riparian Exchange Functions in riparian zones that support anadromous salmonids in California. The five Riparian Exchange Functions are: Biotic and Nutrient Riparian Exchange, Coarse Woody Debris Riparian Exchange, Heat Riparian Exchange, Sediment Riparian Exchange, and Water Riparian Exchange. The review will identify information that contributes to the Board's decision-making process for California Forest Practice Rules for the protection and restoration of anadromous salmonids addressed in the rules "*Protection and Restoration in Watersheds with Threatened or Impaired Values*" (14 CCR 916.9, 936.9, 956.9 et seq.).
10. **Hearing (Possible Action Item): Amend 14 CCR Division 1.5, Chapter 7 Fire Protection, and Article 4, § 1257 (a)(3) – Exempt Minimum Clearance Provisions, "Utility Clearing Exemption Extension, 2008".** The Board will consider for tentative adoption an extension until December 31, 2009, for an existing regulation for fire prevention standards for electrical utilities. The existing regulation includes an exemption to the utility vegetation clearing requirements in § 1257(a)(3). The exemption allows for healthy, mature trees (trunks and limbs), that are sufficiently rigid so they do not present a risk to public safety, to be closer to powerlines than the minimum clearing distance under existing regulations. These trees/limbs are commonly referred to as major woody stems, or MWS.
11. **Action Item: Amend 14 CCR § 895.1 –Definitions and § 919.9, 939.9 - Northern Spotted Owl, "Northern Spotted Owl Definitions, 2008".** The Board will consider the adoption of responses to comments, a final statement of reasons, and the final adoption of a regulation for two definitions in the California Forest Practice Rules (FPRs) to conform to current U.S. Fish and Wildlife Service (Service) federal regulatory requirements for northern spotted owl (*Strix occidentalis caurina*) and to clarify state and federal Endangered Species Act "Take" definitions. The two definitions proposed for amendment more precisely define the range of the northern spotted owl and incorporate the state of California definition of "Take" in addition to the federally listed species definition. Section 919.9 and 939.9 are revised to insert the proposed amended definition for the range of the northern spotted owl.
12. **Continued Deliberation (Possible Action Item): Amend 14 CCR § 895 Abbreviations, §895.1 Definitions, § 919.9, 939.9 - Northern Spotted Owl, § 919.10, [939.10] Take of Northern Spotted Owl, "Evaluation for "Take" Avoidance of Northern Spotted Owl, 2008".** The Board will consider for tentative adoption a proposed regulation that provides the California Department of Forestry and Fire Protection (CAL FIRE) a mechanism for obtaining biological expertise to assist in ensuring all plans located within the range of the northern spotted owl incorporate enforceable protection measures for the species. The proposed regulation ensures that (1) harvest activities do not result in the incidental take of a northern spotted owl; and (2) Plans are approved in an efficient and timely manner.
13. Discussion and Review of the Board's and Fish and Game Commission's Joint Policy for Anadromous Salmonids. **Possible Action Item:** Board may give direction to staff on the Joint Policy.

14. Report of Forest Practice, Policy, Management, and Resource Protection Committees.

Note: Committee Chairpersons will report on the outcomes of Committee meetings. The Board may act in response to Committee recommendations. **Possible Action Items:** Recommendations to Board (See Committee Agendas which are incorporated as though fully set forth herein.)

15. Report of the Regulations Coordinator. Update on Science Literature Review and T/I Review.

Note: The Board's Regulations Coordinator will report on ongoing regulatory matters. The Board may act in response to requests of the Regulations Coordinator on items presented in the report. **Possible Action Items:** Recommendations to Board for Regulatory Actions.

16. Report of Executive Officer.

Note: The Board's Executive Officer will report on ongoing administrative matters, proposed state or federal legislation or programs, or new items coming before the Board. The Board may act in response to requests of the Executive Officer on items presented in the report.

17. Public Forum

Note: Members of the public may address the Board on any topic within its jurisdiction not otherwise on the agenda. Submittal of written comments is encouraged to ensure that all comments will be included in the record before the Board. Please be prepared to summarize comments to three minutes in length, or otherwise at the discretion of the chairman. **Submit your request to address the Board under this item via supplied speaker cards prior to the item being called.**

18. New and Unfinished business

19. **Appeal Hearing, 1:00 p.m.:** The State Board of Forestry and Fire Protection (Board) will hold a public hearing to consider an appeal by the San Jose Water Company of the return of Non-Industrial Timber Management Plan (NTMP) #1-06NTMP-012SCL by the Director of the Department of Forestry and Fire Protection. This hearing is requested by the plan submitter pursuant to Public Resources Code §4582.7. The NTMP was returned to the plan submitter as a result of the Director's determination that the NTMP submitter owns more than 2,500 acres of timberland as defined in Public Resources Code (PRC) § 4526, and does not meet the definition of "Non-industrial tree farmer" pursuant to PRC § 4593.2 (b). The submitter is therefore ineligible to submit a NTMP.

20. Adjournment

COMMITTEE AGENDAS

FOREST PRACTICE COMMITTEE

October 6, 2008

Time: 10:00 a.m. – 3:00 p.m.

Location: **Resources Auditorium**
1416 Ninth Street
Sacramento, California

1. Threatened or impaired watershed regulations review (T/I rules). Review of Group 2 (Geographic Scope) and Group 4 (Water Drafting and Roads) rule sections; Review responses to Key Question #s 52- 57 and 112 -130.

FOREST PRACTICE COMMITTEE

October 7, 2008

Time: 8:00 a.m. – Noon

Location: **Resources Auditorium**
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2. Discussion and update of the Threatened or Impaired Watershed literature review.
3. Threatened or impaired watershed regulations review (T/I rules). Review of Group 1 (Goal/Intent – Definitions) and Group 3 (Cumulative Impacts) rule sections; Review draft regulatory “strawman”; Review Key questions # 1 -51 and 61 – 72.
4. Presentation and discussion of Board Counsel’s legal opinion regarding the question of restoration.
5. New and Unfinished Business

Note: The Forest Practice Committee may continue discussion of items included in its agenda, or the full Board agenda, if the Board recesses or adjourns.

MANAGEMENT COMMITTEE

October 7, 2008

Time: 8:00 a.m. – Noon

Location: **Resources Bldg.**
15th floor, Room 1506-12
Sacramento, California

1. Continuing Review of the statute and regulations for Sustained Yield Plans (SYP).
2. Discussion of a Modified Timber Harvest Plan (MTHP) Regulatory Proposal for Streamlined Permitting of Landscape Fuel Hazard Reduction.
3. Presentation and review of Draft PTEIR Guidance Document.
4. Update on Public Comment to Date on the Boggs Mountain Demonstration State Forest Mitigated Negative Declaration/Initial Study/CEQA Checklist and Mitigation Monitoring and Reporting Program.
5. Review of the Request for a Recordable Easement for Access to a Parcel through the Jackson Demonstration State Forest.
6. New and Unfinished

Note: The Management Committee may continue discussion of items included in its agenda, or the full Board agenda, if the Board recesses or adjourns.

POLICY COMMITTEE**October 7, 2008****Time:** 1:00 p.m. – 4:00 p.m.

Location: Resources Bldg.
15th floor, Room 1506-12
Sacramento, California

1. Discussion and review of 14 CCR § 895 Abbreviations, §895.1 Definitions, § 919.9, 939.9 - Northern Spotted Owl, § 919.10, [939.10] Take of Northern Spotted Owl, "**Evaluation for "Take" Avoidance of Northern Spotted Owl, 2008**". The proposed regulation provides the California Department of Forestry and Fire Protection (CAL FIRE) a mechanism for obtaining biological expertise to assist in ensuring all plans located within the range of the northern spotted owl incorporate enforceable protection measures for the species.
2. Discussion/update of the Joint Policy for Anadromous Salmonids. **Possible Action Item:** Recommendations to full Board on adoption.
3. Discussion and update on legislation of interest to the Board.
4. New and Unfinished Business: Review of potential rules development; Monitoring and Tracking Committee.

Note: The Policy Committee may continue discussion of items included in its agenda, or the full Board agenda, if the Board recesses or adjourns.

RESOURCE PROTECTION COMMITTEE**October 7, 2008****Time:** 1:00 p.m. – 4:00 p.m.

Location: Resources Auditorium
1416 Ninth Street
Sacramento, California

1. California Fire Plan update.
2. Update on VTP EIR.
3. Review of Calaveras County's "Fire Safe Regulations". These regulations were certified as meeting or exceeding Board requirements (14 CCR 1270, et. seq.) in 1992.
4. Discussion on exemptions pursuant to 1038 (c): "Fire Safe" exemptions.
5. Review and discussion of the Resource Protection Work Calendar (Fire Emphasis).
6. Review of Legislative Proposals of concern to the Resource Protection Committee
7. New and Unfinished Business.

Note: The Resource Protection Committee may continue discussion of items included in its agenda, or the full Board agenda, if the Board recesses or adjourns.